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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
**JAMES A. KAY, JR.** ) WT DOCKET NO. 94-147  
 )  
 )  
Licensee of 152 Part 90 Stations in the )  
Los Angeles, California Area )

To: Honorable Joseph Chachkin  
Chief Administrative Law Judge

**WIRELESS TELECOMMUNICATIONS BUREAU'S**  
**COMMENTS ON MOTION TO CORRECT TRANSCRIPT**

1. The Chief, Wireless Telecommunications Bureau, by his attorneys, now comments on the "Motion to Correct Transcript" filed by James A. Kay, Jr. (Kay) on May 10, 1999. The Bureau believes that with the modifications to Kay's motion noted below, Kay's motion should be granted. Counsel for Kay has authorized the undersigned to state that Kay concurs with the modifications stated in these comments.

2. With respect to the change requested at paragraph 8 of Kay's motion, the change at Tr. 872, line 3, should be "I had to" to "I'd have to". This change is consistent with the Bureau's recollection of Kay's testimony.

3. With respect to the change requested at paragraph 15 of Kay's motion, the change at Tr. 901, line 10, should be from "direct" to "correct", not from "Shainis" to "Schauble" (there is no

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reference to “Shainis” on that line).

4. With respect to the change requested at paragraph 34 of Kay’s motion, the change at Tr. 973, line 10, should be from “Keller” to “Knowles-Kellett,” instead of from “Kellett” to “Keller.”

5. With respect to the change at paragraph 43, the change should be made to Tr. 1009 line 23, not line 22.

6. With respect to the change at paragraph 64, the change at Tr. 1064, line 25, and Tr. 1065, line 1, should be “designation, your honor” to “designation order” and the response (Tr. 1065, line 2) to Mr. Shainis’ question be attributed to Knowles-Kellett instead of Judge Chachkin.

7. With respect to the changes requested in paragraph 65, the Bureau asserts that the change at page 1066, line 20, should be as indicated, but that the change at line 23 should be from “94.313” to “90.313”.

8. With respect to the change requested in paragraph 95 of Kay’s motion, there are two instances of the word “four” at page 1122, line 20 and only the second “four” should be changed to “for”.

9. With respect to the change requested in paragraph 105 of Kay's motion the change to Tr. 1151, line 8, should be from "91-35(a)" to "90.135(a)," not "91.135(a)".

10. With respect to the change at paragraph 108, the change should be made to Tr. 1168 line 23, not line 24.

11. With respect to the change requested in paragraph 148 of Kay's motion, the change to Tr. 1697, line 4, should be from "possibly," not "necessary," to "processing".

12. With respect to the change at paragraph 150, the change should be made to Tr. 1773, line 23, not lines 23-24.

13. The Bureau believes the change requested in paragraph 155 should be made to Tr. 1896, line 8, not Tr. 1986, line 8.

14. With respect to the change requested in paragraph 165 of Kay's motion, the change to Tr. 2246, line 17, should be from "our operatives" (not "our operations") to "SMR operators".

15. The spelling correction requested in paragraph 168 of Kay's motion should also be made to Tr. 2287, line 6—"voracity" to "veracity".

16. The change requested in paragraph 174 should be made to line 9 of Tr. 2444, not line 2444.

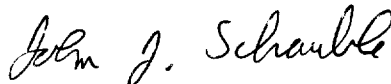
17. Accordingly, the Chief, Wireless Telecommunications Bureau requests that the Presiding Judge correct the transcript as requested in Kay's motion, with the modifications noted above.

Respectfully submitted,

Thomas Sugrue  
Chief, Wireless Telecommunications Bureau

Handwritten signature of Gary P. Schonman in cursive script.

Gary P. Schonman  
Chief, Compliance and Litigation Branch  
Enforcement and Consumer Information Division

Handwritten signature of William H. Knowles-Kellett in cursive script.

William H. Knowles-Kellett  
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May 14, 1999

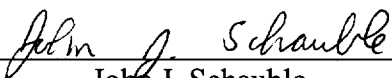
## CERTIFICATE OF SERVICE

I, John J. Schauble, an attorney in the Enforcement and Consumer Information Division, Wireless Telecommunications Bureau, certify that I have, on this 14th day of May, 1999, sent by facsimile and first class mail, copies of the foregoing "Wireless Telecommunications Bureau's Response to Motion To Correct Transcript" to:

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John J. Schauble